



Town Council Agenda Report

SUBJECT: Quasi Judicial Hearing: Variance

CONTACT PERSON/NUMBER

Name: Mark Kutney, AICP
Phone: (954) 797-1108

TITLE OF AGENDA ITEM:

V 12-3-99 Art Papastavros, owner/petitioner - 11940 Piccadilly Place/Generally located at the southeast corner of Kensington Boulevard and Piccadilly Place.

REPORT IN BRIEF:

The petitioner owns a corner lot located at the entrance road of the Hamlet Subdivision and is requesting a variance to reduce the corner lot street side setback from 35 feet to 25 feet. At the time of platting, the developer did not anticipate the additional side setback requirements for street-side corner lots, and designed all the lots at similar sizes. This limits the ability of the corner lot property owners to design a unit equal in width to the interior lots. Building setbacks are intended to provide a desirable separation of uses and are dimensioned to be reflective of district intensity and bulk characteristics. There were three previous variance approvals within the petitioner's subdivision for the same request.

Staff believes this request is not self-created as the subject site was platted without consideration for the additional corner lot setback requirements. Staff also believes that due to its unique location adjacent to the entrance which is buffered by a 6 foot high screen wall and landscaping, there are special circumstances which apply to this lot which do not generally apply to others within the same zoning district, that this request will not negatively affect other properties, and can be considered to be in harmony with the general intent and purpose of the code.

PREVIOUS ACTIONS: None

CONCURRENCES:

On January 12, 2000, the Planning and Zoning Board recommended approval (motion carried 4-0, Mr. Stahl absent), at its January 12, 2000 meeting.

FISCAL IMPACT: Not Applicable.

RECOMMENDATION(S): Motion to approve.

Attachment(s): Planning Report, Land Use Map, Subject Site Map, and Aerial.

Exhibit "A":

Original Report Date: 1/5/00

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner:

Name: Art Papastavros
Address: 2370 SW 131 Terrace
City: Davie, FL 33325
Phone: (954) 270-3635

Agent:

Name: Art Papastavros
Address: 2370 SW 131 Terrace
City: Davie, FL 33325
Phone: (954) 270-3635

BACKGROUND INFORMATION

Application Request: The petitioner is requesting a reduction in the minimum required street side setback from 35 feet to 25 feet to accommodate construction of a single family residence.

Address/Location: 11940 Piccadilly Place/Generally located at the southeast corner of Kensington Boulevard and Piccadilly Place.

Future Land Plan Use Designation: Residential (1 du/ac)

Zoning: AG, Agricultural District

Existing Use: Vacant

Proposed Use: Single Family Home

Parcel Size: 0.82 acres (35,777 square feet)

Surrounding Land Use:

North: Single Family Home

South: Single Family Home, across SW 26th Street

East: Single Family Home

West: Single Family Home, across Kensington Boulevard/entrance road.

Surrounding Zoning:

North: AG, Agricultural District
South: AG, Agricultural District
East: AG, Agricultural District
West: AG, Agricultural District

ZONING HISTORY

Related Zoning History: Town records indicate that the mirror image lot on the opposite side of the Kensington Boulevard entrance road received variance approval from the Town Council for the same request in 1994 (V 7-2-94), along with two other sites located adjacent to cul-de-sacs (V 9-3-93 and V 1-2-94).

Previous Request on same property: None

DEVELOPMENT PLAN DETAILS

Development Details: The Applicant's SUBMISSION indicates the following:

1. Single Family Residence
 2. Lot Size: .82 acres (35,777 square feet)
 3. Location: corner lot at entrance of Kensington Boulevard and SW 26th Street.
-

Applicable Codes and Ordinances

Section 12-33(H)(1), which requires that corner lots provide the minimum front yard setback requirements for the respective zoning for intersecting streets (Section 12-81, Table 12-81A which requires a minimum 35 foot front yard setback within the AG, Agricultural District).

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 2. This area includes the western most section of the Town north of Orange Drive and south of SW 14th Street, and bound on the west by Interstate 75 and on the east by Flamingo Road. The predominant existing and planned land use is single-family residential at a density of one dwelling per acre. This planning area contains numerous small subdivisions of one-acre lots. Several larger parcels are currently being platted, in preparation for marketing or development as estate residences. It is expected that this trend shall continue as the existing inventory of single-family lots is depleted.

Broward County Comprehensive Plan Considerations

This property falls within flexibility Zone 100.

Staff Analysis

The petitioner is the owner of the corner lot located at the entrance road of the Hamlet Subdivision. Abutting the west property line, adjacent to the entrance road, is a 5 foot wall easement and a separate 10 foot bridle path and utility easement. Within the wall easement is a 6 foot high screen wall and extensive landscaping. The petitioner has indicated that the internal lots are at an unfair advantage as they only require a 25 foot side setback while all lots are designed at similar size which limits their ability to obtain an equal sized home. Therefore, the petitioner is requesting a variance to reduce the corner lot street side setback from 35 feet to 25 feet.

At the time of platting, the developer did not anticipate the additional side setback requirements for street side corner lots and designed all the lots at similar sizes. This limits the ability of the corner lot property owners to design a unit equal in width to the interior lots and further reduces useable side yard areas and the quality of life for that property. Building setbacks are intended to provide a desirable separation of uses and are dimensioned to be reflective of district intensity and bulk characteristics. As referenced above, there were three previous variance approvals within the same subdivision for the same request. These particular lots are located at the entrance road and cul-de-sacs with only one or none across the intersecting street. This particular lot is located at the entrance road to the subdivision and is buffered by a 6 foot high screen wall and associated landscaping.

Therefore, staff believes this request is not self-created as the subject site was platted without compensation for the additional corner lot setback requirements prior sale. Staff also believes, that due to its unique location adjacent to the entrance which is buffered by a 6 foot high screen wall and landscaping there are special circumstances which apply to this lot which do not generally apply to others within the same zoning district, and that this request will not negatively affect other properties and can be considered to be in harmony with the general intent and purpose of the code.

Findings of Fact

Variances:

Section 12-309(B)(1):

(a) There are special circumstances and conditions applying to the land and building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter may deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self-created by any person having an interest in the property;

(b) The granting of the variance may be necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose;

(c) Granting of the requested variances will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Recommendation: Based upon the above and the finding of facts in the positive, staff recommends **approval** of the following variance (V 12-3-99) requests.

Planning and Zoning Board Recommendation

On January 12, 2000, the Planning and Zoning Board recommended approval (motion carried 4-0, Mr. Stahl absent), at its January 12, 2000 meeting.

Exhibits

1. Land Use Map
2. Subject Site Map
3. Aerial

Prepared by: _____

Reviewed by: _____

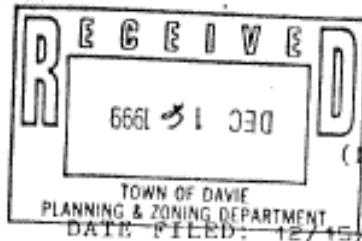
EXISTING ZONING: A-1
CODE SECTION:

PROPOSED ZONING:
CODE SECTION:

LAND USE DESIGNATION: Residential
(1 DU/AC)

FOLIO NUMBER 0013-05-0050

TOWN OF DAVIE USE ONLY	
PETITION NO.	<u>V12-3-99</u>
FEE.	<u>\$400.00</u>
RECEIPT NO.	<u>6051</u>



TOWN OF DAVIE
VARIANCE APPLICATION

(NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)
Make Checks payable to TOWN OF DAVIE

PHONE: 954-270-3635

PETITIONER: Art Papastavros

MAILING ADDRESS: 2370 S.W. 131 Terrace Davie, Florida 33325

RELATIONSHIP TO PROPERTY: Owner

OWNER: Same as Petitioner

MAILING ADDRESS: Same

ADDRESS OF PROPERTY: 11940 Piccadilly Place Davie, Florida 33325

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement of amount of acreage involved MUST be submitted with application):

Lot 5, Valencia Acres, Plat Book 137, Page 3, Broward County, Florida

ACREAGE: Approximately .82 Acres (35,750 square feet)

REQUEST: Reduce minimum sidewalk setback from 35' to 25'

REASON FOR REQUEST: (attach additional sheet as necessary)

Per Appr Satisfied 11/19/99 JS

*** PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN ***

OFFICE USE ONLY

APPROVED AS TO FORM: Jat PUBLICATION DATE: 12/15/00
MEETING DATE: PLANNING AND ZONING BOARD: 1/12/00 TOWN COUNCIL: _____
NOTICES SENT: _____ REPLIES: FOR: _____ AGAINST: _____
UNDELIVERABLE: _____

Art Papastavros
OWNER'S NAME(S)
Art Papastavros
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)
2370 S.W. 131 Terrace
ADDRESS
Davie, Florida 33325
CITY, STATE, ZIP
954-270-3635
PHONE

The foregoing instrument was acknowledged before me
this 15 day of DEC., 1999, by
ART PAPAStAVROS who is personally
known to me or who has produced P-123-004-
61-172-0

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Linda M. Williams

Print: LINDA M. WILLIAMS

My Commission Expires:

OFFICIAL NOTARY SEAL
LINDA M. WILLIAMS
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. 0051661
MY COMMISSION EXP. JULY 22, 2002

ART PAPAStAVROS
~~Owner as Owner~~
PETITIONER'S NAME
Art Papastavros
PETITIONER'S SIGNATURE
2370 SW 131 TERRACE
ADDRESS
DAVIE, FLORIDA 33325
CITY, STATE, ZIP
954-270-3635
PHONE

The foregoing instrument was acknowledged before me
this 15 day of DEC., 1999, by
ART PAPAStAVROS who is personally
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NOTARY PUBLIC:

Sign: Linda M. Williams

Print: LINDA M. WILLIAMS

My Commission Expires:

OFFICIAL NOTARY SEAL
LINDA M. WILLIAMS
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. 0051661
MY COMMISSION EXP. JULY 22, 2002

OFFICE USE ONLY

December 15, 1999

TO: Town of Davie Development Services Department

FROM: Art Papastavros

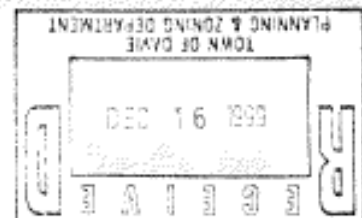
RE: Variance Request for Lot 5, Valencia Acres (11940 Piccadilly Place Davie, Florida)

I respectfully request a variance to reduce the minimum sidestreet setback for the subject property from the required 35' to 25'. Lot 5 is unique in that it is located at the entranceway to the development. The sidestreet property line, located on the west side of lot 5 is lined with the development's 6' high screen wall and extensive landscaping beyond which is the entranceway to the development. The wall, landscaping, entranceway, an additional wall and additional landscaping separate my sidestreet property line from the neighboring lot to the west (lot 6). Lot 6 is a mirror image of my property and was granted the identical variance request in V 7-2-94 for the same reasons that I have cited.

I feel that my request does not adversely affect the neighboring properties and that the current 35' minimum setback, under the unique circumstances of lot 5, prevents the reasonable use of the property. In addition to V 7-2-94, the Town of Davie approved the reduction of the minimum sidestreet setbacks from 35' to 25' on two other corner lots in the same development in V 9-3-93 and V 1-2-94. I only request the same consideration that was given to those property owners. Thank you.

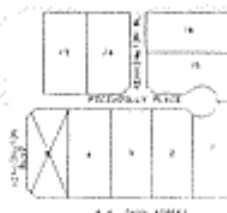


Art Papastavros



DESCRIPTION:

Lot 5, "VALENCIA AEREA", as recorded in Plat Book 137, Page 3 of the Public Records of Broward County, Florida.



PICCADILLY PLACE

WENSTON BLVD.

W A C H T

4. W. 26th STREET

BEACH MARK # 2662
Private drive over canal along West
side of Lawrence Road 154 (28th Ave.)
South of the 15th Street. "Square" and
on South side of bridge at center of
canal.
Elevation of 82'

Reptile Tank Certificate
A diligent search has revealed the
reptile tanks, containing, scorpions and
snakes within 15 feet, as
required by law, and we do not
indicate for the removal of any of
the above items from our collection
from now.

[illegible]

ISSUE	FOR	DATE
94-0602	861 CREASOTHEAT	4-1-94
REVISIONS		

☐ Indicate existing 60" Iron Rod LB770
 without attachments used.
 Certified Call of Author Station No. LB770
 Dimensions for building and building
 size are in the Foundation of same
 Certification to date of field
 work, if not, signature date
 The project is not covered in the
 Catalogue of C. W. 2015, Street
 N 24° 42' 22" E, SPC Plant
☐ Indicate proposed grade
 elevations per N & D 1420

FLOOD 2046 1-11
BAGE FLOOD ELERATIN +2
LIT CONTAGU 56737 4.1

SPM C: 10^{-3} to 10^{-2}

FIELD NO.: 442-2

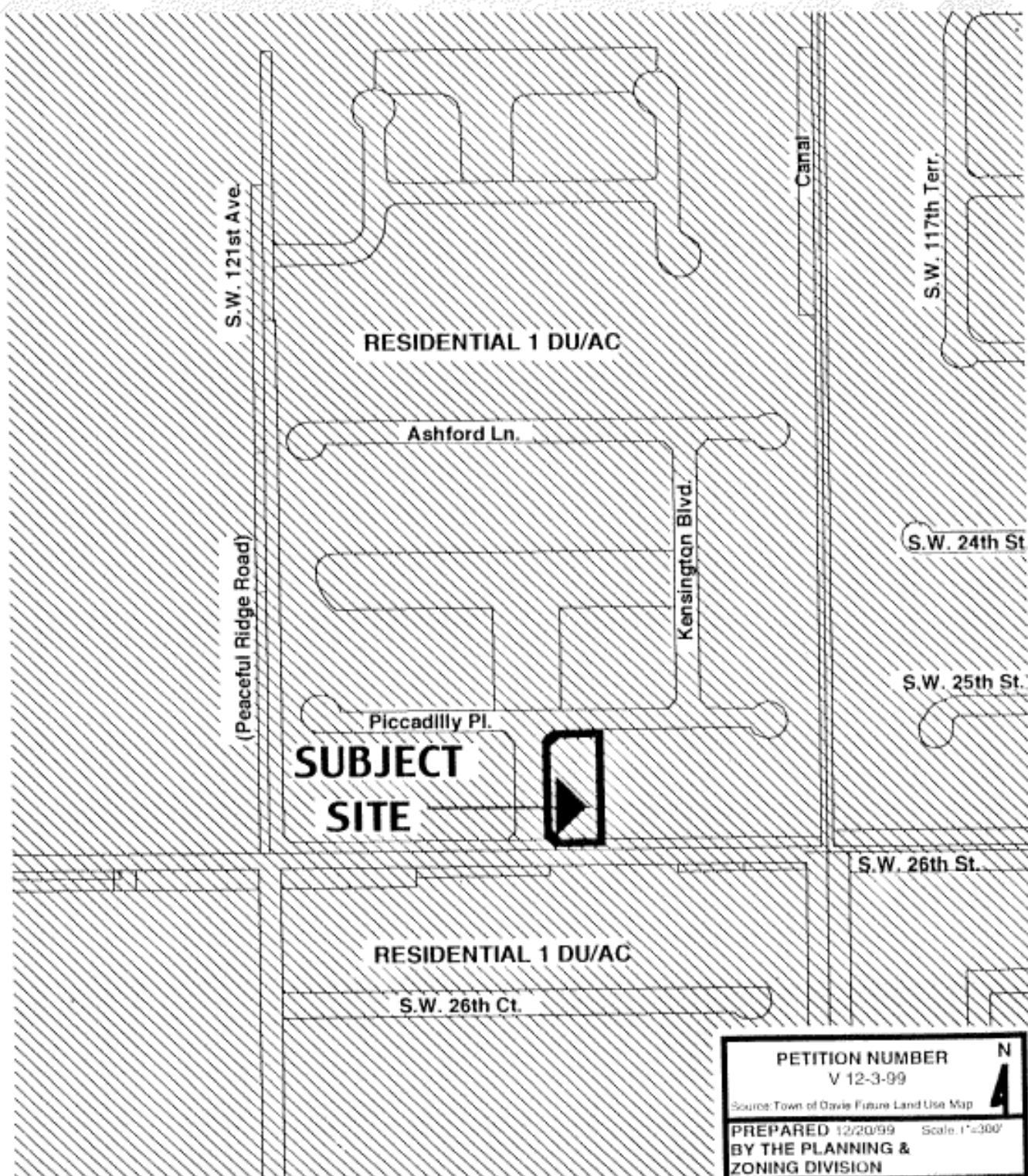
Net value added to the economy and the crop as a result was of a Florida coconut survey and report.



DENI ASSOCIATES

5701 PINE ISLAND ROAD, SUITE 260, PANAMA, FL. 31321 (954)-720-1042 FAX (954)-720-1045

LAND SURVEYS • SUBDIVISIONS • CONSTRUCTION SURVEYS



RESIDENTIAL 1 DU/AC

Ashford Ln.

Piccadilly Pl.

**SUBJECT
SITE**

Canal

S.W. 117th Terr.

S.W. 24th St.

S.W. 25th St.

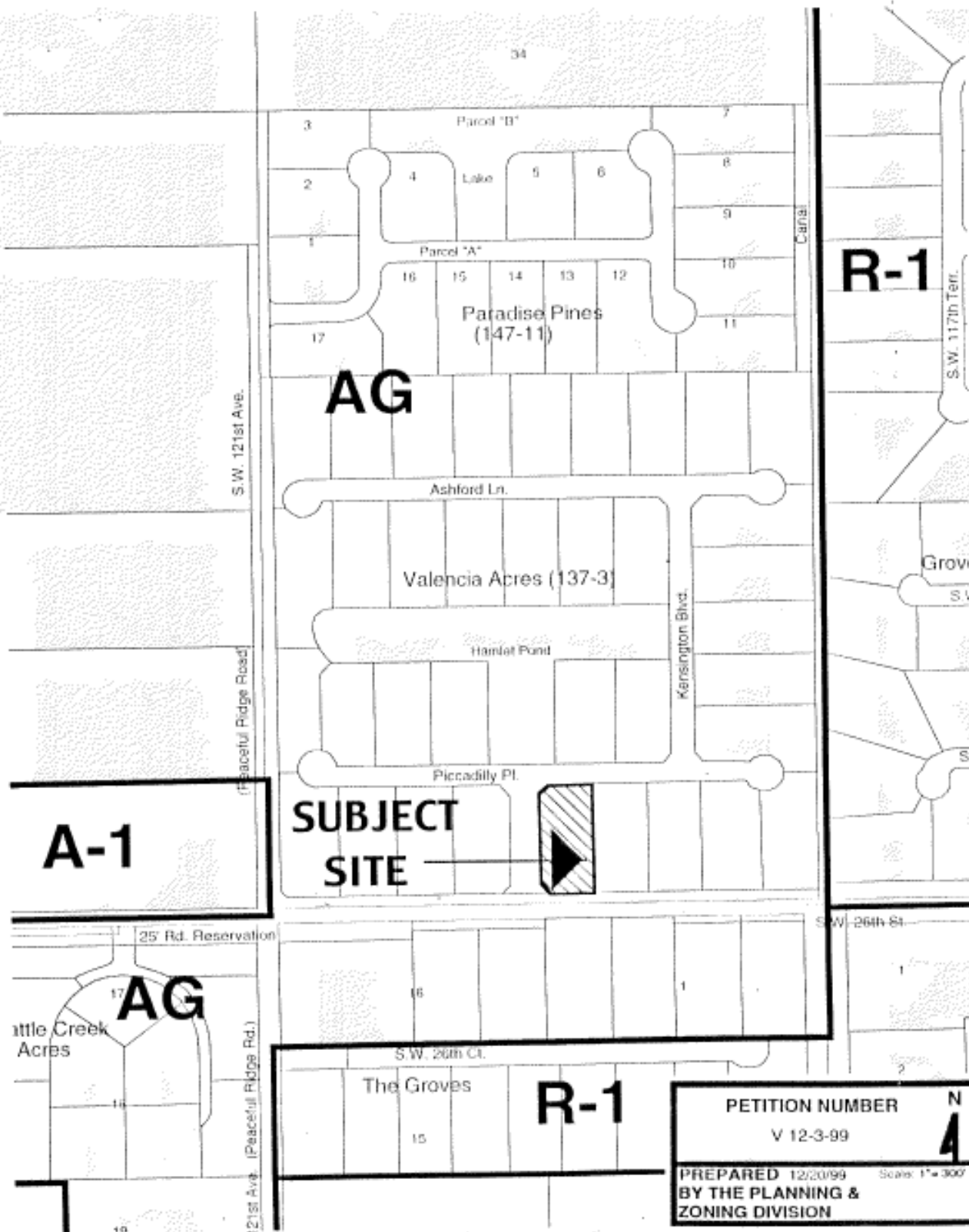
S.W. 26th St.

RESIDENTIAL 1 DU/AC

S.W. 26th Ct.

PETITION NUMBER
V 12-3-99
Source: Town of Davis Future Land Use Map
PREPARED 12/20/99 Scale: 1"=300'
BY THE PLANNING &
ZONING DIVISION





PETITION NUMBER
V 12-3-99
PREPARED 12/20/99 BY THE PLANNING & ZONING DIVISION
Scale: 1" = 300'
N
4

